

DISTRICT COURT (THIRD DISTRICT) [275]

TERRITORIAL MINUTE BOOKS, 1858-1896.

12.6 cu. ft., (33 vols.), and 20 microfilm reels

DESCRIPTION: The 1851 federal organic act in establishing Utah as a territory defined the role of the courts. There was to be a territorial supreme court, district courts, county probate courts, and precinct justice of the peace courts. The territory was divided into three judicial districts each presided over by one of the federally appointed justices of the territorial supreme court. These are the minutes of the Third District, recording the activities of that court in civil, criminal, chancery or equity matters, and appeals.

The boundaries of the district courts were initially defined by the governor and could then be altered by the legislature. Boundaries were redefined frequently. (See appendix A for a list of counties in the third district in various years.) Crimes and disputes originating in any of the counties in the table may appear as entries in the minutes; however, the county of origin is rarely specified. Minutes prior to 1858 are missing. There is also a gap from September 1871 to March 1873.

District courts had original jurisdiction in civil, criminal, and chancery or equity cases. Conflicts between the federally appointed courts and the local Mormon population resulted in the territorial legislature giving original jurisdiction in the same type cases to the county probate courts in addition to estate and guardianship cases, in 1852. Appeals from the lower probate, county and other courts could still be made to the district courts.

In 1874, with the Poland Act, the federal government pared away the authority of the probate courts, returning to the original intent of the Organic Act. From 1874 district courts had original jurisdiction in suits involving more than \$300.00, all mining claims, and divorces. Probate courts were to deal with estate and guardianship cases, but no longer civil and criminal cases. Probate courts could share jurisdiction in statutory grounds divorce cases with the district courts. Appeal procedure was also clarified.

The minute books document the daily proceedings of the third district court but are not transcripts of court cases. Business matters recorded include court site and officers present; names of jurors selected or dismissed; judicial appointments, oaths, and bonds; appeals of lawyers to be permitted to practice before the court; and claims for expenses.

A typical case will span multiple dates. A case will include an indictment for a charge or indication of a filed complaint; demurrers, in which a defendant does not dispute a charge but claims it is not important enough to justify legal action; dismissals; continuances; court orders or other motions; a statement that the case was presented, including names of witnesses for and against, but rarely alluding to the nature of their testimony; the verdict; and precise sentencing or settlement. The most information presented occurs in various forms of property disputes (e.g., mining claims, foreclosure, receivership, deed issuance, estate settlement, water claims) where settlement details the property and its sale or distribution. Indices by plaintiff are available for several volumes.

Cases include those for murder, larceny, robbery, burglary, theft, embezzlement, assault, purchasing public property from soldiers, riot, polygamy, gambling, liquor law violations, prostitution, etc.. Also included are property claims, debt, repossession, foreclosure, receiverships, dissolutions of corporation, divorces, and commitments to reform school. Most are exercises of original jurisdiction but do include appeals from probate, county, and justice of the peace courts.

Notable cases include the divorce and alimony case between Ann Eliza Young and Brigham Young spanning several years in the mid-1870s, and several cases revolving around the settlement of Brigham Young's will from 1879 to 1883. Bigamy, polygamy, cohabitation, and illegal voting cases peak after 1874 and particularly in the mid to late 1880s. Mining claim disputes are common in the 1870s and 1880s as are land disputes with the railroads to the end of the territorial period.

The district courts also had the power to grant citizenship (probate courts assumed the same power). This process included two witnesses testifying to the applicant's character, renouncing foreign allegiance, and taking an oath of allegiance to the United States Constitution. The applicant's name, the names of his witnesses, his native country and current county of residence are noted in the minutes. Applicants usually are, but need not be, residents of a county covered by the district. Naturalizations are one of the most frequent entries in the books and in fact, minute books were identified as naturalization books for many years.

ARRANGEMENT: Volumes and entries are chronological (although volume BB reflects a block of time which should be present in the middle of volume B) with the volumes designated alphabetically. The separate naturalization indices appear at the end of the series.

RESEARCH NOTE: Various counties belonged to the Third Judicial District at various

times during the territorial period:

1851Utah, Sanpete, Iron 1854Iron 1855Carson 1856Salt Lake, Tooele, Carson, Shambip, Saint Mary's, Humbolt 1859Salt Lake, Davis, Weber, Box Elder, Tooele, Cache, Summit, Green River, Malad, Shambip, Greasewood, Deseret 1862Salt Lake, Tooele, Summit, Davis, Weber, Box Elder, Cache, Morgan, Green River 1865Salt Lake, Tooele, Summit, Davis, Morgan, Weber, Box Elder, Cache, Green River, Richland 1880Salt Lake, Tooele, Summit, Davis

RELATED RECORDS: Consult the series catalog for specific series numbers of related district court records. Territorial CASE FILES, series 9802, and TERRITORIAL CRIMINAL CASE FILES, series 6836, include more detailed documents on actions taken in these same cases. CIVIL JUDGMENT DOCKETS, series 24319 summarize activities and results in civil cases. Criminal and Civil REGISTERS OF ACTIONS, series 22610 and series 22664 log actions and documents filed in each case. For additional documentation on the naturalizations mentioned here, see CERTIFICATES OF CITIZENSHIP RECORD BOOKS, series 85110.

For cases appealed to the district court, the lower court records should be checked, as should the Supreme Court for appeals from the district court. In particular, county probate court records should be checked as the probate courts dealt with many of the same types of cases, even when they were not appealed to the district court. Series 3939 is the CIVIL AND CRIMINAL CASE MINUTE BOOKS and Series 3944 is the CIVIL AND CRIMINAL CASE DOCKET BOOKS for the Salt Lake County Probate Court. Separate series of minutes are normally produced in individual counties after statehood.

For SALT LAKE COUNTY CIVIL AND CRIMINAL CASE MINUTE BOOKS produced after 1896 refer to series 1650.

PROCESSING NOTE: This series was microfilmed at the archives December 1981-January 1982 as requested by the Salt Lake County Clerk. Microfilming of previously overlooked indices was done in 1989 and 1999. The index to BB had been misidentified as a Docket Index and transferred to this series in 2002 when that series was processed. Archival processing was completed by Alice Cone in 1989.

CONTAINER LIST

Reel	Box	Volume	Description
1	1	A	Oct. 4, 1858-Aug. 7, 1869 and Index
20	n/a	BB	Index
2	2	BB	Mar. 14, 1870-Sept. 22, 1871
2	3	B	Aug. 30, 1869-Feb. 26, 1870; Mar. 15, 1873-May 1, 1875
3	4	C	Index and May 1, 1875-June 24,

Reel	Box	Volume	Description
			1876
4	5	D	Index
4	5	D	June 27, 1876-Apr. 26, 1878
5	6	E	Index
6	6	E	Apr. 27, 1878-May 13, 1880
6	7	F	Index and May 14, 1880-Oct. 13, 1880
7	7	F	Oct. 13, 1880-June 10, 1882
7	8	G	Index and July 10, 1882-Oct. 1, 1883
8	8	G	Oct. 1, 1883-Dec. 12, 1883
8	9	H	Dec. 13, 1883-Oct. 3, 1885
8	10	I	Index and Oct. 5, 1885-Oct. 27, 1885
9	10	I	Oct. 27, 1885-Dec. 9, 1886
9	11	J	Dec. 10, 1886-Dec. 5, 1887
10	11	J	Dec. 5, 1887-June 18, 1888 and Court Case costs ledger
11	11	J	Index
12	12	K	Index
13	12	K	June 19, 1888-Nov. 6, 1889
14	13	L	Index and Nov. 7, 1889-Jan. 17, 1891
14	14	M	Index and Jan. 17, 1891-Aug. 1, 1891
15	14	M	Aug. 1, 1891-Jan. 22, 1892
15	15	N	Jan. 23, 1892-Jan. 7, 1893
15	16	O	Jan. 14, 1893-Jan. 20, 1893
16	16	O	Jan. 20, 1893-Oct. 6, 1893
16	17	P	Oct. 7, 1893-Apr. 2, 1894
17	17	P	Apr. 2, 1894-June 16, 1894
17	18	Q	June 16, 1894-Feb. 5, 1895
17	19	R	Feb. 5, 1895-May 13, 1895
18	19	R	May 13, 1895-Sept. 27, 1895
18	20	S	Sept. 27, 1895-Jan. 3, 1896
19	21	--	Naturalization Index, 1858-1879; Indices (2) to the Naturalization Index